MONTANA LEGISLATIVE HISTORY

Chapter 400 19 79

Bill H _____ S 256 Original bill & history ✓ C

H. Committee on Judiciary			S. Committee on Judiciary		
Hearing Date(s)	3-7	C	Hearing Date(s)	2-7	C
	3-15	C		2-15	C
		C			C
		C			C
Date Out	3-15	C	Date Out	2-15	

Did this bill originate in an interim committee? ____Yes ____No

Committee _____ Report _____

CHAPTER NO. 400

SENATE BILL NO. 256

INTRODUCED BY LENSINK

BY REQUEST OF THE SECRETARY OF STATE AND
THE ATTORNEY GENERAL

IN THE SENATE

January 25, 1979	Introduced and referred to Committee on Judiciary.
February 17, 1979	Committee recommend bill do pass as amended. Report adopted.
February 19, 1979	Printed and placed on members' desks.
February 20, 1979	Second reading, do pass.
February 21, 1979	Considered correctly engrossed.
February 22, 1979	Third reading, passed. Transmitted to second house.

IN THE HOUSE

February 23, 1979	Introduced and referred to Committee on Judiciary.
March 16, 1979	Committee recommend bill be concurred in as amended. Report adopted.
March 17, 1979	Second reading, concurred in.
March 21, 1979	Third reading, concurred in as amended.

IN THE SENATE

March 22, 1979	Returned from second house. Concurred in as amended.

March 23, 1979	Second reading, amendments adopted.
March 24, 1979	Third reading, amendments adopted. Sent to enrolling.
	Reported correctly enrolled.

Senate BILL NO. 256

INTRODUCED BY Linard

BY REQUEST OF THE SECRETARY OF STATE AND

THE ATTORNEY GENERAL

A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE THE LAWS RELATING TO STATEWIDE BALLOT ISSUES; AMENDING SECTIONS 13-27-201, 13-27-202, 13-27-301, 13-27-303, 13-27-306, 13-27-310, 13-27-312, 13-27-313, 13-27-315, 13-27-401, 13-27-405, 13-27-406, 13-27-410, 13-27-501, 13-27-502, AND 85-8-624, MCA; AND REPEALING SECTIONS 13-27-314 AND 13-27-407, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 13-27-201, MCA, is amended to read:

"13-27-201. Form of petition generally. (1) A petition for the initiative, the referendum, or to call a constitutional convention must be substantially in the form provided by this chapter. Clerical or technical errors that do not interfere with the ability to judge the sufficiency of signatures on the petition do not render a petition void.

(2) Petition sheets may not exceed 8 1/2 x 14 inches in size. Separate sheets of a petition may be fastened in sections of not more than 25 sheets. Near the top of each sheet containing signature lines must be printed the title of the statute or constitutional amendment proposed or the measure to be referred or a statement that the petition is for the purpose of calling a constitutional convention. If signature lines are printed on both the front and back of a petition sheet, the information required above must appear on both the front and back of the sheet. The complete text of the measure proposed or referred must be attached to or contained within each signature sheet if sheets are circulated separately. The text of the measure must be in the bill form provided in the most recent issue of the bill drafting manual furnished by the legislative council. If sheets are circulated in sections, the complete text of the measure must be attached to each section."

Section 2. Section 13-27-202, MCA, is amended to read:

"13-27-202. Approval of form required. (1) Before a petition may be circulated for signatures, a sample sheet must be submitted to the secretary of state in the form in which it will be circulated. The secretary of state shall refer a copy of the petition sheet to the attorney general for his approval. The secretary of state and attorney general must each review the ~~sheet~~ petition for sufficiency as to form and approve or reject the form of the petition, stating ~~his~~ the reasons ~~therefor~~ for rejection, if any. ~~The attorney general shall return the sheet together with his comments within 3 working days after receiving it.~~

(2) The secretary of state shall review the comments and statements of the attorney general received pursuant to 13-27-312 and make a final decision as to the approval or ~~disapproval~~ rejection of the form of the ~~sheet~~ petition. The secretary of state ~~must notify~~ shall send written notice to the person who submitted the petition sheet of the approval or rejection together with reasons for rejection, ~~if applicable~~, within ~~1 week of receiving~~ 28 days after submission of the petition sheet."

Section 3. Section 13-27-301, MCA, is amended to read:

"13-27-301. Submission of petition sheets. Signed sheets or sections of petitions shall be submitted to the official responsible for registration of electors in the county in which the signatures were obtained no sooner than 1 year and no later than 2 weeks before the final date for filing the petition with the secretary of state. ~~In no case, however, may a person submit a sheet or section of a petition to the county official so late as to allow less than 1 working day before the final date for filing the petition with the secretary of state for every 200 signatures on the sheets or sections of the petition submitted.~~"

Section 4. Section 13-27-303, MCA, is amended to read:

"13-27-303. Verification of signatures by county official. ~~(1)~~ The county official receiving the sheets or

sections of a petition shall check the names of all signers to verify they are registered electors of the county. In addition, the official shall randomly select signatures on each sheet or section and compare them with the signatures of the electors as they appear in the registration records of the office. If all the randomly selected signatures appear to be genuine, the number of signatures of registered electors on the sheet or section may be certified to the secretary of state without further comparison of signatures. If any of the randomly selected signatures do not appear to be genuine, all signatures on that sheet or section must be compared with the signatures in the registration records of the office.

~~(2) The county official to whom the sheets or sections of the petition are submitted may not retain a sheet or section for longer than 1 working day for each 200 signatures on the sheet or section. The secretary of state may extend this time if he is convinced the workload involved requires extension.~~"

Section 5. Section 13-27-306, MCA, is amended to read:

"13-27-306. Challenge to signatures by elector of county. A registered elector of a county having reason to believe that signatures on a petition that were not among those actually compared with signatures in the registration records of the county are not genuine may file a sworn

statement or affirmation of his belief and request for comparison of those signatures he believes are not genuine with the county official certifying the sheet or section of the petition. If any of the challenged signatures are not genuine, the county official must compare all signatures on that sheet or section and issue an amended certificate to the secretary of state, giving the correct number of valid signatures, on or before the deadline, as provided for in 13-27-104, for filing in the office of the secretary of state."

Section 6. Section 13-27-310, MCA, is amended to read:

"13-27-310. Transmittal of issues referred by the legislature and ballot ~~form~~ forms to the attorney general. (1) The secretary of state shall transmit a copy of ~~a ballot issue proposed by any type of initiative petition or referred to the people by referendum petition and a copy of~~ the form in which ~~the~~ a ballot issue proposed by petition will appear on the ballot to the attorney general on the same day ~~he certifies the official filing of~~ the completed petition is certified to the governor.

(2) The secretary of state shall transmit a copy of an act referred to the people or a constitutional amendment proposed by the legislature and a copy of the form in which the issue will appear on the ballot to the attorney general no later than 6 months before the election at which the

issue will be voted on by the people.

(3) If the ballot form is not approved by the attorney general pursuant to 13-27-313, the secretary of state shall immediately submit a new ballot form to the attorney general."

Section 7. Section 13-27-312, MCA, is amended to read:

"13-27-312. ~~Attorney general's statement~~ Review of petition by attorney general -- preparation of statement. ~~Within 10 days after receiving a copy of a ballot issue that will be voted on by the people, the attorney general shall return to the secretary of state a statement not exceeding 100 words in ordinary plain language explaining the general purpose of the issue submitted. The statement by the attorney general shall give a true and impartial statement of the purposes of the issue in plain, easily understood language and in a manner that is not an argument or likely to create prejudice either for or against the issue.~~ (1) Upon receipt of a petition from the office of the secretary of state pursuant to 13-27-202, the attorney general shall examine the petition as to form. If the petition form is approved, the attorney general shall prepare and transmit to the secretary of state a concise statement not exceeding 100 words. This statement shall express a true and impartial explanation of the purpose of the proposed ballot issue in plain, easily understood language. The statement may not

intentionally be an argument and may not intentionally be written so as to create prejudice for or against the measure. The statement prepared pursuant to this subsection, unless altered by a court under [section 10], is the petition title for the measure circulated by the petition and the ballot title if the measure is placed on the ballot.

(2) At the same time the statement of purpose is prepared, the attorney general shall prepare statements of the implication of a vote for or against a ballot issue. The statements of implication may be no more than 25 words each and shall be in simple, impartial language clearly explaining the meaning of a vote for and a vote against the issue. The statements of implication prepared pursuant to this section, unless altered by a court under [section 10], are the statements to be used on the petition and the ballot if the measure is placed on the ballot. The statements of implication shall be placed beside the diagram provided for marking of the ballot in a manner similar to the following example:

☐ FOR extending the right to vote to persons 18 years of age.

☐ AGAINST extending the right to vote to persons 18 years of age.

(3) If the petition is rejected as to form, the attorney general shall forward his comments to the secretary

of state within 10 days after receipt of the petition by the attorney general. If the petition is approved as to form, the attorney general shall forward the statement of purpose and the statements of implication to the secretary of state within 21 days after receipt of the petition by the attorney general."

Section 8. Section 13-27-313, MCA, is amended to read:

"13-27-313. Review of ballot ~~form~~ forms by attorney general. ~~At the same time he returns the statement explaining the purposes of the issue, the~~ The attorney general shall examine each ballot form submitted to his office pursuant to 13-27-310 and within 20 days of receipt of the ballot form shall notify the secretary of state of his approval or ~~disapproval~~ rejection of the ballot form for ~~the issue submitted by the secretary~~. If the ballot form is ~~not approved~~ rejected, ~~the secretary of state shall immediately submit a new ballot form and notice of approval or disapproval must be given by~~ the attorney general shall approve or reject a new ballot form submitted by the secretary of state pursuant to 13-27-310(3) within 5 days of receiving the new form."

Section 9. Section 13-27-315, MCA, is amended to read:

"13-27-315. ~~Statement of vote~~ Statements by attorney general on issues referred by legislature. (1) ~~In the case of an act referred to the people or a constitutional~~

~~amendment--proposed--by--the--legislature,--the-secretary-of state-shall-prepare-a-statement-setting-forth--the--vote--by which--the--issue--passed-each-house-of-the-legislature.-The secretary-of-state--shall--file--on--official--copy--of--his statement-with-the-attorney-general's-statement-on-the-issue in--the-official-records-of-his-office.~~ At the same time the attorney general, pursuant to 13-27-313, informs the secretary of state of the approval or rejection of a ballot form for an issue proposed by the legislature, the attorney general shall forward to the secretary of state a statement, not exceeding 100 words, expressing a true and impartial explanation of the purpose of the measure in plain, easily understood language. The statement may not intentionally be an argument and may not intentionally be written to create a prejudice for or against the issue. The statement prepared under this section is known as the attorney general's explanatory statement.

(2) If statements of the implication of a vote for or against a ballot issue have not been provided by the legislature, the attorney general shall prepare the statements. Requirements for statements of implication for ballot issues referred by the legislature are the same as those provided in 13-27-312 for other ballot issues. Statements of implication prepared by the attorney general must be returned to the secretary of state no later than the

time specified for approval of the ballot form."

NEW SECTION. Section 10. Court review of attorney general statements. (1) If the proponents of a ballot measure believe that the statement of purpose or the statements of implication of a vote formulated by the attorney general pursuant to 13-27-312 do not satisfy the requirements of 13-27-312, they may, within 10 days of receipt of the notice from the secretary of state provided for in 13-27-202, file an action in the district court in and for the county of Lewis and Clark challenging the adequacy of the statement and requesting the court to alter the statement.

(2) (a) Notice shall be served upon the secretary of state and upon the attorney general. The action takes precedence over other cases and matters in the district court. The court shall examine the proposed measure and the challenged statement and shall as soon as possible render a decision and certify to the secretary of state a statement which the court determines will meet the requirements of 13-27-312.

(b) A statement certified by the court shall be placed on the petition for circulation and on the official ballot.

(3) A copy of the petition in final form must be filed in the office of the secretary of state by the proponents.

(4) Any party may appeal the order of the district

court to the Montana supreme court by filing a notice of appeal within 5 days of the date of the order of the district court.

Section 11. Section 13-27-401, MCA, is amended to read:

"13-27-401. Voter information pamphlet. (1) The secretary of state shall prepare for printing a voter information pamphlet containing the following information for each ballot issue to be voted on at an election, as applicable:

(a) ballot title and complete text of the issue;

~~(b) statement of the secretary of state;~~

~~(c) statement of the attorney general;~~

~~(d)~~(b) the form in which the issue will appear on the ballot; and

~~(e)~~(c) arguments advocating approval and rejection of the issue~~; and~~

~~(f) rebuttal arguments~~.

(2) Whenever more than one ballot issue is to be voted on at a single election, the secretary of state may publish a single pamphlet for all of the ballot issues. The secretary of state may arrange the information in the order which seems most appropriate, but the information for all issues in the pamphlet shall be presented in the same order."

Section 12. Section 13-27-405, MCA, is amended to read:

"13-27-405. Committee expenses. Each committee is entitled to receive funds for the preparation of arguments and expenses of members not to exceed ~~$150~~ $100 for a three-member committee and ~~$250~~ $200 for a five-member committee. Itemized claims for actual expenses incurred, approved by a majority of the committee, shall be submitted to the secretary of state for payment from funds appropriated for that purpose."

Section 13. Section 13-27-406, MCA, is amended to read:

"13-27-406. Limitation on length of argument -- time of filing. An argument advocating approval or rejection of a ballot issue is limited to 500 words and shall be filed, in typewritten form, with the secretary of state no later than ~~30 days following the date by which the appointment of the committee was required to be filed with the secretary of state. In no case, however, may an argument be submitted for filing later than~~ 70 days before the election at which the issue will be voted on by the people. A majority of the committee responsible for preparation must approve and sign each argument filed. Separate signed letters of approval of an argument may be filed with the secretary of state by members of a committee if necessary to meet the filing

deadline."

Section 14. Section 13-27-410, MCA, is amended to read:

"13-27-410. Printing and distribution of voter information pamphlet. (1) The secretary of state shall arrange with the department of administration by requisition for the printing and delivery of a voter information pamphlet for all ballot issues to be submitted to the people at least 90 days before the election at which they will be submitted. The requisition shall include a delivery list providing for shipment of the required number of pamphlets to each county and to the secretary of state.

(2) The secretary of state shall estimate the number of copies necessary to furnish one copy to ~~every voter in each county~~ each mailing address in the county at which a registered voter resides and provide for an extra supply of the pamphlets in his office in determining the number of voter pamphlets to be ordered in the requisition.

(3) The department of administration shall call for bids and contract with the lowest bidder for the printing and delivery of the voter information pamphlet. The contract shall require completion of printing and shipment, as specified on the delivery list, of the voter information pamphlets by not later than 30 days before the election at which the ballot issues will be voted on by the people.

(4) The county official responsible for voter registration in each county shall mail one copy of the voter information pamphlet to each ~~registered voter of the county~~ mailing address in the county at which a registered voter resides no later than 2 weeks after the pamphlets are received from the printer.

(5) Ten copies of the voter information pamphlet shall be available at each precinct for use by any voter wishing to read the explanatory information and complete text before voting on the ballot issues."

Section 15. Section 13-27-501, MCA, is amended to read:

"13-27-501. Secretary of state to certify ballot form. The secretary of state shall furnish to the official of each county responsible for preparation and printing of the ballots, at the same time as he certifies the names of the persons who are candidates for offices to be filled at the election, a certified copy of the form in which each ballot issue to be voted on by the people at that election is to appear on the ballot. Unless otherwise provided in the legislative act or petition placing the issue on the ballot, the secretary of state shall list for each issue the number, the method of placement on the ballot, the title, the attorney general's explanatory statement, if applicable, and the statements of the implication of a vote for or against

SB 256

the issue that are to be placed beside the diagram for marking the ballot. The secretary of state shall use for each ballot issue the title of the legislative act, or legislative constitutional proposal, or ~~ballot--issue proposed-by-any-type--of--initiative--petition--unless--that title--exceeds--100-words~~ the title provided by the attorney general or district court. ~~A-title-of-100-words-or-less--for the--ballot--shall--be--provided--by--the-legislature-or-the organization-circulating-the-petition-if-the-official--title exceeds-100-words.~~ Following the number of the ballot issue, the secretary of state shall include one of the following statements to identify why the issue has been placed on the ballot:

(1) an act referred by the legislature;

(2) an amendment to the constitution proposed by the legislature;

(3) an act of the legislature referred by referendum petition; or

(4) a law or constitutional amendment proposed by initiative petition."

Section 16. Section 13-27-502, MCA, is amended to read:

"13-27-502. Preparation of ballots by county officials. Each of the county officials responsible for the preparation and printing of the ballots shall print the

ballot issues on the official ballot in the form and order in which the issues have been certified by the secretary of state. All ballot issues shall be placed on the official ballot prescribed by 13-12-212, 13-17-205 and 13-17-206, or 13-18-201 through 13-18-206 unless specific written approval by the secretary of state for placing the ballot issues on a separate ballot is received by the official responsible for printing the ballot. The secretary of state may issue such approval only when the number of issues to be voted on at an election makes it ~~impossible~~ impractical to print the entire ballot, including the ballot issues, on the official ballot as prescribed by 13-12-212, 13-17-205 and 13-17-206, or 13-18-201 through 13-18-206."

NEW SECTION. Section 17. Limitation on title of referred legislation. All bills referred by the legislature to a vote of the people shall have a title of no more than 100 words.

Section 18. Section 85-8-624, MCA, is amended to read.

"85-8-624. Assessments on improvements -- taxpayers' approval, limitations, and election procedures. (1) It shall require a vote of the persons on the assessment rolls in any existing district to make Chapter 409, Laws of 1973, applicable to such districts.

(2) Nothing in Chapter 409, Laws of 1973, confers upon districts created for drainage purposes only the authority

to levy assessments on benefits to improvements.

(3) The election provided for by subsection (1) shall be governed by the following rules:

(a) Notice of the election shall be as provided in 85-8-303, except that the form of the ballot shall be as hereinafter provided.

(b) The manner of conducting the election shall be as provided in 85-8-304.

(c) The qualifications of electors shall be as provided in 85-8-305, except that, in addition to persons holding title or evidence of title to lands within the district, any person as therein defined who does not own land within the district but has been assessed or will have his improvements assessed under Chapter 409, Laws of 1973, or who will be assessed for benefits received shall be entitled to one vote. Commissioners shall prepare a list of such persons and give them notice as provided in 85-8-303.

(d) The commissioners of any district in existence prior to March 21, 1973, who wish to hold an election to determine if the district shall be governed by Chapter 409, Laws of 1973, shall at any regular or special meeting adopt a resolution calling for an election to determine whether or not the voters of said district wish to be governed by Chapter 409, Laws of 1973. The resolution shall contain a short summary of the changes made by Chapter 409, Laws of

1973, and shall include the summary as part of the notice provided for by 85-8-303. In addition, the commission shall provide copies of Chapter 409, Laws of 1973, to any person interested in obtaining a copy of the same and the notice to the persons in the district calling the election shall describe where and how copies may be obtained. The commissioners may authorize a reasonable charge for providing said copies, not to exceed 20 cents per page.

(e) The ballot shall include the summary as provided for in the preceding subsection and the form of the ballot shall conform, as closely as possible, to that set forth in ~~13-27-314~~ Title 13, chapter 27.

(f) A simple majority of those who cast valid ballots shall determine the outcome of the election."

Section 19. Repealer. Sections 13-27-314 and 13-27-407, MCA, are repealed.

-End-

SB 256

STATE OF MONTANA

REQUEST NO. 504-79

FISCAL NOTE

Form BD-15

In compliance with a written request received March 26, 19 79, there is hereby submitted a Fiscal Note for SB 256 pursuant to Chapter 53, Laws of Montana, 1965 - Thirty-Ninth Legislative Assembly. Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

FISCAL NOTE BASED ON REFERENCE COPY

DESCRIPTION OF PROPOSED LEGISLATION:

Generally revise laws relating to statewide ballot issues.

ASSUMPTIONS:

Funds needed for committee expenses will be less due to decrease in allowable dollar amount. Average of 18 committees appointed based on number of 1976 & 1978 committee appointments.
Number of copies of voter information pamphlets ordered will be approximately the same due to increased voter registration balanced by fewer pamphlets needed since only 1 pamphlet will have to be sent to a residence having more than 1 registered voter with the same last name.

FISCAL IMPACT:

Expenditures Under Proposed Legislation	
Personal Services	0
Operating Expenses	$2,400
Capital Outlay	0
Total Expenditures Under Proposed Legislation	$2,400
Less: Expenditures Under Current Law	$3,300
Increased Expenditures Under Proposed Legislation	$ 900

LOCAL IMPACT:

Amount of postage expended for mailing of pamphlets (based on method used in each county) could decrease by an approximate ⅓.

LONG-RANGE EFFECTS:

Better administrative review procedures, more explicit explanation of ballot measures to voters causing fewer possible court cases. Could result in fewer number of pamphlets to be printed upon purging of registration files after presidential election in 1980.

Richard L. Dawson

BUDGET DIRECTOR
Office of Budget and Program Planning
Date: 3/30/79

Forty-Sixth LEGISLATIVE SESSION

COMMITTEE ON Judiciary - Senate

BILL NO.	ENTERED COMM.	DATE CONSIDERED	OUT OF COMM.	DO PASS DATE	DO NOT PASS DATE	DO PASS AS AMEND. DATE	BE CONCURRED IN DATE	BE CONC. IN AS AMENDED DATE	BE NOT CONCURRED IN DATE
HB-171	1/23/79	1/31/79	1/31/79				1/31/79		
SB-215	1/24/79	1/30/79	2/5/79			2/5/79			
SB-219	1/24/79	1/31/79	2/5/79		2/7/79				
SB-221	1/24/79	2/14/79	2/26/79			2/15/79			
SB-223	1/24/79	1/30/79	Tabled 2/7/79						
SB-225	1/24/79	1/30/79	2/9/79			2/7/79			
SB-227	1/24/79	1/30/79	2/14/79			2/13/79			
SB-232	1/24/79	2/2/79	2/9/79			2/7/79			
SB-243	1/24/79	2/13/79	2/19/79			2/15/79			
SB-250	1/24/79	2/6/79	2/9/79			2/8/79			
HB-136	1/24/79	1/30/79	3/1/79						3/1/79
HB-152	1/24/79	2/23/79	2/23/79					2/23/79	
SB-256	1/25/79	2/7/79	2/16/79			2/15/79			
~~HB-58~~	~~1/24/79~~	~~1/26/79~~	~~1/26/79~~				~~1/26/79~~		
~~HB-95~~	~~1/26/79~~	~~1/26/79~~	~~1/26/79~~				1/26/79		
~~HB-76~~	~~1/24/79~~	~~1/25/79~~	~~1/26/79~~					1/26/79	

Use a separate sheet for Senate, House Bills, and Resolutions.

MINUTES OF MEETING
SENATE JUDICIARY COMMITTEE
February 7, 1979

The twenty-ninth meeting of the Senate Judiciary Committee was called to order by Senator Everett R. Lensink in Room 331 of the Capitol Building on the above date at 5:07 p.m.

ROLL CALL:

All members were present.

DISPOSITION OF SENATE BILL 37:

Senator Towe commented that he does not feel comfortable with this bill and Senate Bill 129. He suggested that the Committee sit on the bills and let the other attorneys look them over during the interim.

Senator Turnage moved that Senate Bill 37 be tabled. The motion carried unanimously.

DISPOSITION OF SENATE BILL 129:

Senator Turnage moved that this bill be tabled. The motion carried unanimously.

DISPOSITION OF SENATE BILL 54:

Senator Towe moved that on page 1, line 19, after "or" the word "temporary" be inserted and on page 2, line 1, after "a" insert "temporary" and on line 6 after "of" insert "temporary" and on page 2, line 8, after "or" insert "temporary" and on page 2, line 16, after "or" insert "temporary". The motion carried unanimously.

Senator Towe moved that the bill be amended by adding a new section to read as follows: Section 3. Note to codifier. In the event that Senate Bill 243 passes, the reference on page 2, line 1 to 27-19-305 should be changed to section 4 of Senate Bill 243. The motion carried unanimously.

Senator Towe moved that this bill do pass, as amended. The motion carried unanimously.

DISPOSITION OF SENATE BILL 243:

Senator Brown stated that if the Attorney General wants this bill, they should send us a copy as it should read.

Senator Turnage moved that we ask the Attorney General to offer this to the Committee in a readable form. The motion passed.

DISPOSITION OF SENATE BILL 153:

Senator Towe moved that on page 18, line 3, after "copy" insert "of a declaratory ruling". The motion carried unanimously.

full responsibility for the life of that person. (See written testimony - Exhibit D.)

Joey Lilleman, representing D.D. Council in Great Falls stated that they may be depriving the D.D. of some rights they are capable of assuming, and he felt that rehabilitative services must be tailored to their needs. See written statement - Exhibit #.)

Kathleen Ellis, attorney for the Legal Access For Older Americans, suggested an amendment on page 1, line 20, by stating incapacitated by advanced age. She stated that being old is not necessarily physically incapacitating and that she felt that this was both inaccurate and demeaning to the senior citizen.

Mike Thompson, representing the Veterans Administration at Fort Harrison, stated that as the bill stands now, the agency does not favor enactment. He went over the bill explaining the portions in which he felt there were problems.

John Bell, representing himself, stated that for nine years he has been a duly appointed guardian for a varying number of incapacitated war veteran and he spoke in opposition to this bill.

Senator Van Valkenburg stated that he did not really see anything that will make this bill unworkable. He stated that Mr. Bell's comments were probably not applicable, as you can still have a regular guardianship and if you don't want a limited guardianship, no court is going to force you into one.

Senator Towe questioned Rosemary Zion and asked her if there is a limited guardianship, how do the people know that it is limited. Ms. Zion stated there will be an order and the order will spell this out.

There were no further questions and the hearing on this bill closed.

CONSIDERATION OF SENATE BILL 256:

Senator Lensink turned the chairmanship over to Senator Olson as he was the sponsor of this bill. This bill generally revises the laws relating to statewide ballot issues and was requested by the Secretary of State and the Attorney General. Senator Lensink introduced Mike McGrath from the Attorney General's Office.

Mike McGrath, Assistant Attorney General, stated that there were two things they were hoping to resolve. There were eleven issues on the ballot this time and the Attorney General's Office had six lawsuits just before the election, and there were challenges to the issues on the ballots, issues that did not make the ballot. He also explained that in many of these, the title was self-serving and misleading and they have no authority to do anything about this. He stated that on one petition, which would allow limited gambling, the title read to provide tax relief and the last line said something about gambling.

Joanne Woodgerd, representing the Legislative Council, stated that she was here to answer any questions and stated that they have no problems with this bill and with Senate Bill 65.

John Bell, representing the clerks and recorders, stated that they support the bill.

Paul Richards, State Director of Common Cause, submitted testimony. (See Exhibit F.)

There were several questions and the hearing on the meeting was closed.

There being no further business, the meeting adjourned at 11:28 a.m.

Everett R. Lensink

SENATOR EVERETT R. LENSINK, Chairman
Senate Judiciary Committee

Date Feb 2 1979

ROLL CALL

JUDICIARY COMMITTEE

46th LEGISLATIVE SESSION - 1979

NAME	PRESENT	ABSENT	EXCUSED
Lensink, Everett R., Chr. (R)	✓		
Olson, S. A., V. Chr. (R)	✓		
Turnage, Jean A. (R)	✓		
O'Hara, Jesse A. (R)	✓		
Anderson, Mike (R)	✓		
Galt, Jack E. (R)	✓		
Towe, Thomas E. (D)	✓		
Brown, Steve (D)	✓		
Van Valkenburg, Fred (D)	✓		
Healy, John E. (Jack) (D)	✓		

Each Day Attach to Minutes.

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SENATE

COMMON CAUSE/MONTANA

P.O. Box 822
Helena, Montana 59601 Telephone (406) 442-6959

Sen. Everett Lensink, Chairman
Senate Judiciary Committee
Hearing on S.B. 256 - Statewide Ballot Issues
February 7, 1979

Dear Senator Lensink and Members of the Committee,

Montana Common Cause opposes S.B. 256 in its present form. We do this with some regret: The reasoning behind the bill is sound and many aspects of the bill are definate improvements over present state policy. In particular, we are encouraged by efforts of the Secretary of State and Attorney General to clear up the mess which can happen when challenges are made to ballot proposal wording or form. The system of resolving challenges and the timetables provided are fair for all concerned. The bill's provisions will help straighten out technical and legal difficulties without the confusing process which we have seen in recent ballot issues.

We approve of the provisions of page 8, section 8 which cover the rejection of a ballot form. A specified 5 day review period of the new ballot form by the attorney general is a good step towards preventing unnecessary delaying tactics. Speaking of delay, the committee may want to look at the specified time of 28 days for review by the attorney general and secretary of state (page 3, line 28). Perhaps this time could be shortened to two or three weeks at the most.

We also approve of the concept of placing all ballot issues on the same ballot (pages 15,16, section 16).

But, in addition to these timely corrections of ballot issue procedure, Senate Bill 256 would directly alter and harm the Voter Information Pamphlet which Montana voters recieve before each election. The Voter Information Pamphlet is an invaluable source for every voter to read for theirself the pro's and con's on the issue. S.B. 256 would reduce the viability of this pamphlet in two ways:

1. Stripping the Pamphlet of Rebuttal Arguments. This bill would entirely eliminate a group's rebuttal of their opposing group. The provision is a crucial part of giving as complete a picture as possible to the voters. Without the rebuttal there is no dialogue between the opposing parties - no "Point/Counterpoint" exchange where groups can actually address the specifics of the other's arguments. Common Cause/Montana feels this exchange is very healthy. It definately leads to a better understanding of the ballot issue by the voter. It is true that some groups have not utilized this rebuttal provision as effectively as they could have, but to use this lacking of a few to punish all groups and all ballot issues does not seem reasonable.

Exhibit F
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2. Reduced Circulation of the Voter Information Pamphlet. S.B. 256 provides only for a Voter Information Pamphlet to be sent to each household. If there were 4,5, or 6 voters in a household, they would still receive only one pamphlet. Without their individual copies which they presently receive, voters would have considerably less access to the pamphlet. Without individual designation, a student away at college would never even receive his copy of the Voter Information Pamphlet. A businessman who travels might come home to find someone else had already read their jointly-held pamphlet and thrown it out. Even more importantly, with an address of "OCCUPANT" instead of the individual voter's name, the Voter Information Pamphlet will take on the tone of being nothing more than just another piece of junk mail. There can be no doubt that the wider circulation which the pamphlet receives, the more informed the vote will be on election day. To arbitrarily cut corners to save a minimal amount of money does not seem to be a wise trade-off, when compared to the benefits of a well-informed electorate.

Thus, Common Cause/Montana would strongly suggest the following amendments to Senate Bill 256:

1. Page 11, line 18. Reinstate "(d) rebuttal arguments"
2. Page 13, lines 14 and 15. Reinstate "every voter in each county"
3. Page 14, line 3. Reinstate "registered voter of the county"
4. Page 18, lines 15 and 16. Repeal only Section 13-27-314. Section 13-27-407 should not be repealed.

With the above amendments, we would urge the approval of Senate Bill 256 by your committee.

Thank you for your consideration.

Sincerely,

Paul Richards
State Director
Common Cause/Montana

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SB 271 SENATE Business COMMITTEE

BILL SB 256 VISITORS' REGISTER DATE 1/21/99

SB 270

Please note bill no. (check one)

NAME	REPRESENTING	BILL #	SUPPORT	OPP
Jeannie Anderson				
Jim Anker	DD Council	277	✓	
Margaret Ulvestad	DD/Mt. Advocacy Proj.	277	✓	
Vollmann, Ellie	Legislative Consultant for Mt. Coalition	DD	✓	
Norm Grosfield	Division of Workers' Comp	322	✓	
Jim Murphy	✓ ✓ ✓	✓	✓	
Ed Eaton	OBPP	271	✓	
John Bell	self	277		✓
Mike McMahon	Mt. Assn. of Counties	277		✓
Hal Stearns	Press assoc	271		
John G. Thomas	BLC	271	✓	
Philip H. Cannon	Dept. Justice	271	✓	
Lawrence Peterson	Mont. Ind. Living Council	271	✓	
[illegible]	Att. [illegible]	271	✓	
Marge Wall	Mont. Dept. of Transportation	322	✓	
[illegible]	Chamber of Com. (Butte)	322	✓	
Joey Lillemon	DD Council	277	✓	
Kathy Nelson	Lee Newspapers	271		
Roseann Bjorn	DDI MAP	277	→	
[illegible]	[illegible]		✓	
[illegible]	[illegible]			
Jean Bloodgood	Legislative Council	256		
John Bell	Clerks & Recorders	S. 256	✓	
Phil Richards	Montana Council [illegible]	256	21	✓

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY

Please sign & return to Secretary. Attached

SENATE Judiciary COMMITTEE

BILL _____ VISITORS' REGISTER DATE 1/7/79

Please note bill no.

NAME	REPRESENTING	BILL #	(check one) SUPPORT	OPPOSE
Dan Magnuson	Common Cause	256	will suggest amend	
Kevin Campbell	Sec of State	256	✓	
Linda Graham	Secretary of State	256	✓	

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY

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MINUTES OF MEETING
SENATE JUDICIARY COMMITTEE
February 15, 1979

The thirty-ninth meeting of the Senate Judiciary Committee was called to order in room 331 of the capitol building on the above date by Senator Everett R. Lensink at 6:56 p.m.

ROLL CALL:

All members were present, except Senator Healy, who was excused.

DISPOSITION OF SENATE BILL 357:

Senator Turnage moved that this bill be tabled. The motion carried unanimously.

DISPOSITION OF SENATE BILL 444:

Senator Van Valkenburg moved that this bill do not pass. The motion carried unanimously.

DISPOSITION OF SENATE BILL 394:

Senator Towe moved that this bill do pass. The motion carried.

DISPOSITION OF SENATE BILL 382:

Senator Towe moved to reconsider the action that was taken earlier today. The motion carried unanimously. He explained that he called the probation officer in Billings and he said that 15 days is crucial-that that is the main protection to keep a child from going to jail for a long time and this allows them to set up a continuence in a case in five days and there should be no reason why they shouldn't go to trial in twenty days. He said that sometimes this involves 8 or 9-year-old kids. Senator Towe moved that this bill do not pass.

Senator Turnage questioned what about prejudice. Senator Van Valkenburg stated that they file a petition; and then they are back in the next 15 days, and they have accomplished the same thing.

Senator Towe said that he would withdraw his motion. Senator Towe moved that on line 22, before the ",", insert "when the youth is not in custody" and further amend on line 21, by inserting "if the youth is not in custody". The motion carried unanimously.

Senator Towe moved that the bill be amended on page 1, line 19, by reinserting the words "with prejudice". The motion carried unanimously.

Senator Turnage moved that the bill do pass as amended. The motion carried unanimously.

DISPOSITION OF SENATE BILL 256:

Senator Brown moved that on page 11, line 15, the bill be amended by striking "and" and on page 11, line 17, insert ";" and then on line 18, insert "(d) rebuttal arguments". The motion carried unanimously.

Senator Brown moved that the bill be amended by adopting the amendments #1, 2, 3, 6, 7, and 8 as presented to the committee. (See Exhibit A.) The motion carried unanimously.

Senator Anderson stated that on page 13, lines 13 and 14, it stated that a pamphlet be mailed to every voter. Senator Lensink said that he supposed this would be a pretty good chunk of money, and he said that they get five in their house and he felt that it was pretty well advertised in the paper.

Senator Brown moved that the bill be amended on page 14, line 6, by adding the sentence "the pamphlet shall also contain a notice advising the recipient where additional copies of the pamphlet may be obtained". The motion carried unanimously.

Senator Brown moved that the bill do pass as amended. The motion carried unanimously.

Senator Towe requested that without objection can we bring the bill back. There was no objection.

Senator Towe moved that on page 7, line 1, the word "intentionally" be omitted in two places. The motion carried unanimously.

Senator Brown moved that on page 13, line 17, the bill be amended by striking "in his office". The motion carried unanimously.

Senator Brown moved that the bill do pass as amended. The motion carried unanimously.

DISPOSITION OF SENATE BILL 284:

Senator Brown moved that this bill do pass. The motion carried unanimously.

DISPOSITION OF SENATE BILL 348:

Senator O'Hara stated that he knew these two boys that were killed in these accidents, and what he did not bring out and what he may not be aware of, was in both of these cases, it had been a big party situation; the kids were boozed up; the one occured at 4:00 a.m. in the morning at Missoula; and the car went off the road about halfway there. Both the boys were passengers in the

Date 1-18-1979

ROLL CALL

JUDICIARY COMMITTEE

46th LEGISLATIVE SESSION - 1979

NAME	PRESENT	ABSENT	EXCUSED
Lensink, Everett R., Chr. (R)	✓		
Olson, S. A., V. Chr. (R)	✓		
Turnage, Jean A. (R)	✓		
O'Hara, Jesse A. (R)	✓		
Anderson, Mike (R)	✓		
Galt, Jack E. (R)	✓		
Towe, Thomas E. (D)	✓		
Brown, Steve (D)	✓		
Van Valkenburg, Fred (D)	✓		
Healy, John E. (Jack) (D)			

Each Day Attach to Minutes.

1. Title, line 10
At beginning of line strike: "13-27-405"

2. Title, line 11
Following: "REPEALING"
Strike: "SECTIONS"
Insert: "SECTION"
Following: "13-27-314"
Strike: "AND"

3. Title, line 12
At beginning of line strike: "13-27-407"

4. Page 12, section 12, line 5
Following: "~~$150~~"
Strike: "$100"
Insert: "$150"

5. Page 12, section 12, line 6
Following: "~~$250~~"
Strike: "$200"
Insert: "$250"

6. Page 12, section 13, line 20
Following: "~~than~~"
Strike: "70"
Insert: "85"

7. Page 18, section 19, line 15
Following: "Repealer."
Strike: "Sections"
Insert: "Section"
Following: "13-27-314"
Strike: "and"

8. Page 18, section 19, line 16
At the beginning of the line strike: "13-27-407"
Following: "MCA,"
Strike: "are"
Insert: "is"

STANDING COMMITTEE REPORT

February 16 19 79

MR. President

We, your committee on Judiciary

having had under consideration Senate Bill No. 256

Respectfully report as follows: That Senate Bill No. 256,

introduced bill, be amended as follows:

1. Title, line 11.
Following: "REPEALING"
Strike: "SECTIONS"
Insert: "SECTION"

2. Title, lines 11 and 12.
Strike: AND 13-27-407"

3. Page 7, line 1.
Following: line 25 on page 6
Strike: "intentionally"
Following: "not"
Strike: "intentionally"

4. Page 9, line 13.
Strike: "intentionally"

~~DO PASS~~

(Continued)

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Chairman.

STATE PUB. CO.
Helena, Mont.

February 16 19 79

5. Page 9, line 14.
Strike: "intentionally"

6. Page 11, line 15.
Strike: "and"

7. Page 11, line 17.
Following: "issue"
Insert: "; and
(d) rebuttal arguments"

8. Page 11.
Following: line 18
Insert: "(2) The pamphlet shall also contain a notice advising the recipient where additional copies of the pamphlet may be obtained."
Renumber: subsequent subsection

9. Page 12, line 20.
Following: "than"
Strike: "70"
Insert: "85"

10. Page 13, line 17.
Strike: "in his office"

11. Page 18, line 15.
Following: "Repealer."
Strike: "Sections"
Insert: "Section"

12. Page 18, lines 15 and 16.
Strike: "and 13-27-407"

13. Page 18, line 16.
Following: "HCA,"
Strike: "are"
Insert: "is"

And, as so amended,
DO PASS

GC.

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Chairman.

STATE PUB. CO.
Helena, Mont.

__ Legislature

Bill No.	Subject Matter	Date In	Sponsor	Hearing Date	Committee Action	Date Out
SB 284	establish reporting for product liability insurers	2/22	Lowe	Monday 3/12	as amended be concurred	3/16
SB 423	release liens held by the dept. of SRS	2/22	VValkenburg	Tues. 3/6	concur	3/5
SJR 27	appoint laymen to commission on practice	2/23	S. Brown	Weds. 3/7	be concurred in	3/17
SB 256	revise statewide ballot issuers laws	2/23	Lensink	Weds 3/7	as amended be concurred in	3/15
SB 346	access to courts - allowance of costs & attorneys fees	2/23	Towe	Weds. 3/7	as amended be concurred in	3/14
SB 432	relating to attendance of trial juries in district court	2/23	Hafferman	Weds. 3/7	be concurred in	3/8

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SENATE BILL NO. 256

INTRODUCED BY LENSINK

BY REQUEST OF THE SECRETARY OF STATE AND

THE ATTORNEY GENERAL

A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE THE LAWS RELATING TO STATEWIDE BALLOT ISSUES; AMENDING SECTIONS 13-27-201, 13-27-202, 13-27-301, 13-27-303, 13-27-306, 13-27-310, 13-27-312, 13-27-313, 13-27-315, 13-27-401, 13-27-405, 13-27-406, 13-27-410, 13-27-501, 13-27-502, AND 85-8-624, MCA; AND REPEALING ~~SECTIONS~~ SECTION 13-27-314 ~~AND 13-27-407~~, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 13-27-201, MCA, is amended to read:

"13-27-201. Form of petition generally. (1) A petition for the initiative, the referendum, or to call a constitutional convention must be substantially in the form provided by this chapter. Clerical or technical errors that do not interfere with the ability to judge the sufficiency of signatures on the petition do not render a petition void.

(2) Petition sheets may not exceed 8 1/2 x 14 inches in size. Separate sheets of a petition may be fastened in sections of not more than 25 sheets. Near the top of each sheet containing signature lines must be printed the title of the statute or constitutional amendment proposed or the measure to be referred or a statement that the petition is for the purpose of calling a constitutional convention. If signature lines are printed on both the front and back of a petition sheet, the information required above must appear on both the front and back of the sheet. The complete text of the measure proposed or referred must be attached to or contained within each signature sheet if sheets are circulated separately. The text of the measure must be in the bill form provided in the most recent issue of the bill drafting manual furnished by the legislative council. If sheets are circulated in sections, the complete text of the measure must be attached to each section."

Section 2. Section 13-27-202, MCA, is amended to read:

"13-27-202. Approval of form required. (1) Before a petition may be circulated for signatures, a sample sheet must be submitted to the secretary of state in the form in which it will be circulated. The secretary of state shall refer a copy of the petition sheet to the attorney general for his approval. The secretary of state and attorney general must each review the sheet petition for sufficiency as to form and approve or reject the form of the petition, stating ~~his~~ the reasons ~~therefor~~ for rejection, if any. ~~The attorney general shall return the sheet together with his comments within 3 working days after receiving it.~~

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(2) The secretary of state shall review the comments and statements of the attorney general received pursuant to 13-27-312 and make a final decision as to the approval or ~~disapproval~~ rejection of the form of the ~~sheet~~ petition. The secretary of state ~~must-notify~~ shall send written notice to the person who submitted the petition sheet of the approval or rejection together with reasons for rejection~~, if applicable,~~ within ~~1 week of receiving~~ 28 days after submission of the petition sheet."

Section 3. Section 13-27-301, MCA, is amended to read:

"13-27-301. Submission of petition sheets. Signed sheets or sections of petitions shall be submitted to the official responsible for registration of electors in the county in which the signatures were obtained no sooner than 1 year and no later than 2 weeks before the final date for filing the petition with the secretary of state. ~~In no case, however, may a person submit a sheet or section of a petition to the county official so late as to allow less than 1 working day before the final date for filing the petition with the secretary of state for every 200 signatures on the sheets or sections of the petition submitted.~~"

Section 4. Section 13-27-303, MCA, is amended to read:

"13-27-303. Verification of signatures by county official. (1) The county official receiving the sheets or

sections of a petition shall check the names of all signers to verify they are registered electors of the county. In addition, the official shall randomly select signatures on each sheet or section and compare them with the signatures of the electors as they appear in the registration records of the office. If all the randomly selected signatures appear to be genuine, the number of signatures of registered electors on the sheet or section may be certified to the secretary of state without further comparison of signatures. If any of the randomly selected signatures do not appear to be genuine, all signatures on that sheet or section must be compared with the signatures in the registration records of the office.

~~(2) The county official to whom the sheets or sections of the petition are submitted may not retain a sheet or section for longer than 1 working day for each 200 signatures on the sheet or section. The secretary of state may extend this time if he is convinced the workload involved requires extension.~~"

Section 5. Section 13-27-306, MCA, is amended to read:

"13-27-306. Challenge to signatures by elector of county. A registered elector of a county having reason to believe that signatures on a petition that were not among those actually compared with signatures in the registration records of the county are not genuine may file a sworn

statement or affirmation of his belief and request for comparison of those signatures he believes are not genuine with the county official certifying the sheet or section of the petition. If any of the challenged signatures are not genuine, the county official must compare all signatures on that sheet or section and issue an amended certificate to the secretary of state, giving the correct number of valid signatures, on or before the deadline, as provided for in 13-27-104, for filing in the office of the secretary of state."

Section 6. Section 13-27-310, MCA, is amended to read:

"13-27-310. Transmittal of issues referred by the legislature and ballot form forms to the attorney general. (1) The secretary of state shall transmit a copy of ~~a ballot issue proposed by any type of initiative petition or referred to the people by referendum petition and a copy of~~ the form in which the a ballot issue proposed by petition will appear on the ballot to the attorney general on the same day ~~he certifies the official filing of~~ the completed petition is certified to the governor.

(2) The secretary of state shall transmit a copy of an act referred to the people or a constitutional amendment proposed by the legislature and a copy of the form in which the issue will appear on the ballot to the attorney general no later than 6 months before the election at which the

issue will be voted on by the people.

(3) If the ballot form is not approved by the attorney general pursuant to 13-27-313, the secretary of state shall immediately submit a new ballot form to the attorney general."

Section 7. Section 13-27-312, MCA, is amended to read:

"13-27-312. ~~Attorney general's statement~~ Review of petition by attorney general -- preparation of statement. ~~Within 10 days after receiving a copy of a ballot issue that will be voted on by the people, the attorney general shall return to the secretary of state a statement not exceeding 100 words in ordinary plain language explaining the general purpose of the issue submitted. The statement by the attorney general shall give a true and impartial statement of the purposes of the issue in plain, easily understood language and in a manner that is not an argument or likely to create prejudice either for or against the issue.~~ (1) Upon receipt of a petition from the office of the secretary of state pursuant to 13-27-202, the attorney general shall examine the petition as to form. If the petition form is approved, the attorney general shall prepare and transmit to the secretary of state a concise statement not exceeding 100 words. This statement shall express a true and impartial explanation of the purpose of the proposed ballot issue in plain, easily understood language. The statement may not

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~~intentionally~~ be an argument and may not ~~intentionally~~ be written so as to create prejudice for or against the measure. The statement prepared pursuant to this subsection, unless altered by a court under [section 10], is the petition title for the measure circulated by the petition and the ballot title if the measure is placed on the ballot.

(2) At the same time the statement of purpose is prepared, the attorney general shall prepare statements of the implication of a vote for or against a ballot issue. The statements of implication may be no more than 25 words each and shall be in simple, impartial language clearly explaining the meaning of a vote for and a vote against the issue. The statements of implication prepared pursuant to this section, unless altered by a court under [section 10], are the statements to be used on the petition and the ballot if the measure is placed on the ballot. The statements of implication shall be placed beside the diagram provided for marking of the ballot in a manner similar to the following example:

FOR extending the right to vote to persons 18 years of age.

AGAINST extending the right to vote to persons 18 years of age.

(3) If the petition is rejected as to form, the attorney general shall forward his comments to the secretary

of state within 10 days after receipt of the petition by the attorney general. If the petition is approved as to form, the attorney general shall forward the statement of purpose and the statements of implication to the secretary of state within 21 days after receipt of the petition by the attorney general."

Section 8. Section 13-27-313, MCA, is amended to read:

"13-27-313. Review of ballot form forms by attorney general. ~~At the same time he returns the statement explaining the purposes of the issue, the~~ The attorney general shall examine each ballot form submitted to his office pursuant to 13-27-310 and within 20 days of receipt of the ballot form shall notify the secretary of state of his approval or ~~disapproval~~ rejection of the ballot form for ~~the issue submitted by the secretary.~~ If the ballot form is not approved rejected, ~~the secretary of state shall immediately submit a new ballot form and notice of approval or disapproval must be given by~~ the attorney general shall approve or reject a new ballot form submitted by the secretary of state pursuant to 13-27-310(3) within 5 days of receiving the new form."

Section 9. Section 13-27-315, MCA, is amended to read:

"13-27-315. ~~Statement of vote~~ Statements by attorney general on issues referred by legislature. ~~(1) In the case of an act referred to the people or a constitution~~

amendment--proposed--by--the--legislature,--the-secretary-of state-shall-prepare-a-statement-setting-forth--the--vote--by which--the--issue--passed-each-house-of-the-legislature,-the secretary-of-state--shall--file--an--official--copy--of--his statement-with-the-attorney-general's-statement-on-the-issue in--the-official-records-of-his-office. At the same time the attorney general, pursuant to 13-27-313, informs the secretary of state of the approval or rejection of a ballot form for an issue proposed by the legislature, the attorney general shall forward to the secretary of state a statement, not exceeding 100 words, expressing a true and impartial explanation of the purpose of the measure in plain, easily understood language. The statement may not intentionally be an argument and may not intentionally be written to create a prejudice for or against the issue. The statement prepared under this section is known as the attorney general's explanatory statement.

(2) If statements of the implication of a vote for or against a ballot issue have not been provided by the legislature, the attorney general shall prepare the statements. Requirements for statements of implication for ballot issues referred by the legislature are the same as those provided in 13-27-312 for other ballot issues. Statements of implication prepared by the attorney general must be returned to the secretary of state no later than the

time specified for approval of the ballot form."

NEW SECTION. Section 10. Court review of attorney general statements. (1) If the proponents of a ballot measure believe that the statement of purpose or the statements of implication of a vote formulated by the attorney general pursuant to 13-27-312 do not satisfy the requirements of 13-27-312, they may, within 10 days of receipt of the notice from the secretary of state provided for in 13-27-202, file an action in the district court in and for the county of Lewis and Clark challenging the adequacy of the statement and requesting the court to alter the statement.

(2) (a) Notice shall be served upon the secretary of state and upon the attorney general. The action takes precedence over other cases and matters in the district court. The court shall examine the proposed measure and the challenged statement and shall as soon as possible render a decision and certify to the secretary of state a statement which the court determines will meet the requirements of 13-27-312.

(b) A statement certified by the court shall be placed on the petition for circulation and on the official ballot.

(3) A copy of the petition in final form must be filed in the office of the secretary of state by the proponents.

(4) Any party may appeal the order of the district

hb

court to the Montana supreme court by filing a notice of appeal within 5 days of the date of the order of the district court.

Section 11. Section 13-27-401, MCA, is amended to read:

"13-27-401. Voter information pamphlet. (1) The secretary of state shall prepare for printing a voter information pamphlet containing the following information for each ballot issue to be voted on at an election, as applicable:

(a) ballot title and complete text of the issue;

~~(b)--statement-of-the-secretary-of-state;~~

~~(c)--statement-of-the-attorney-general;~~

~~(d)~~(b) the form in which the issue will appear on the ballot; and

~~(e)~~(c) arguments advocating approval and rejection of the issue~~;-and~~; AND

~~(f)--rebuttal-arguments~~(3) REBUTTAL ARGUMENTS.

(2) THE PAMPHLET SHALL ALSO CONTAIN A NOTICE ADVISING THE RECIPIENT WHERE ADDITIONAL COPIES OF THE PAMPHLET MAY BE OBTAINED.

~~(2)~~(3) Whenever more than one ballot issue is to be voted on at a single election, the secretary of state may publish a single pamphlet for all of the ballot issues. The secretary of state may arrange the information in the order

which seems most appropriate, but the information for all issues in the pamphlet shall be presented in the same order."

Section 12. Section 13-27-405, MCA, is amended to read:

"13-27-405. Committee expenses. Each committee is entitled to receive funds for the preparation of arguments and expenses of members not to exceed ~~$150~~ $100 for a three-member committee and ~~$250~~ $200 for a five-member committee. Itemized claims for actual expenses incurred, approved by a majority of the committee, shall be submitted to the secretary of state for payment from funds appropriated for that purpose."

Section 13. Section 13-27-406, MCA, is amended to read:

"13-27-406. Limitation on length of argument -- time of filing. An argument advocating approval or rejection of a ballot issue is limited to 500 words and shall be filed, in typewritten form, with the secretary of state no later than ~~30--days--following-the-date-by-which-the-appointment-of-the committee-was-required-to-be-filed--with--the--secretary--of state;-in-no-case,-however,-may-an-argument-be-submitted-for filing--later--than~~ ~~70~~ 85 days before the election at which the issue will be voted on by the people. A majority of the committee responsible for preparation must approve and sign

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each argument filed. Separate signed letters of approval of an argument may be filed with the secretary of state by members of a committee if necessary to meet the filing deadline."

Section 14. Section 13-27-410, MCA, is amended to read:

"13-27-410. Printing and distribution of voter information pamphlet. (1) The secretary of state shall arrange with the department of administration by requisition for the printing and delivery of a voter information pamphlet for all ballot issues to be submitted to the people at least 90 days before the election at which they will be submitted. The requisition shall include a delivery list providing for shipment of the required number of pamphlets to each county and to the secretary of state.

(2) The secretary of state shall estimate the number of copies necessary to furnish one copy to ~~every voter in each county~~ each mailing address in the county at which a registered voter resides and provide for an extra supply of the pamphlets ~~in his office~~ in determining the number of voter pamphlets to be ordered in the requisition.

(3) The department of administration shall call for bids and contract with the lowest bidder for the printing and delivery of the voter information pamphlet. The contract shall require completion of printing and shipment, as

specified on the delivery list, of the voter information pamphlets by not later than 30 days before the election at which the ballot issues will be voted on by the people.

(4) The county official responsible for voter registration in each county shall mail one copy of the voter information pamphlet to each ~~registered voter of the county~~ mailing address in the county at which a registered voter resides no later than 2 weeks after the pamphlets are received from the printer.

(5) Ten copies of the voter information pamphlet shall be available at each precinct for use by any voter wishing to read the explanatory information and complete text before voting on the ballot issues."

Section 15. Section 13-27-501, MCA, is amended to read:

"13-27-501. Secretary of state to certify ballot form. The secretary of state shall furnish to the official of each county responsible for preparation and printing of the ballots, at the same time as he certifies the names of the persons who are candidates for offices to be filled at the election, a certified copy of the form in which each ballot issue to be voted on by the people at that election is to appear on the ballot. Unless otherwise provided in the legislative act or petition placing the issue on the ballot, the secretary of state shall list for each issue the number,

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the method of placement on the ballot, the title, the attorney general's explanatory statement, if applicable, and the statements of the implication of a vote for or against the issue that are to be placed beside the diagram for marking the ballot. The secretary of state shall use for each ballot issue the title of the legislative act, or legislative constitutional proposal, or ~~ballot--issue proposed-by-any-type--of--initiative--petition--unless--that title--exceeds--100-words~~ the title provided by the attorney general or district court. ~~A-title-of-100-words-or-less--for the--ballot--shall--be--provided--by--the-legislature-or-the organization-circulating-the-petition-if-the-official--title exceeds-100-words.~~ Following the number of the ballot issue, the secretary of state shall include one of the following statements to identify why the issue has been placed on the ballot:

(1) an act referred by the legislature;

(2) an amendment to the constitution proposed by the legislature;

(3) an act of the legislature referred by referendum petition; or

(4) a law or constitutional amendment proposed by initiative petition."

Section 16. Section 13-27-502, MCA, is amended to read:

"13-27-502. Preparation of ballots by county officials. Each of the county officials responsible for the preparation and printing of the ballots shall print the ballot issues on the official ballot in the form and order in which the issues have been certified by the secretary of state. All ballot issues shall be placed on the official ballot prescribed by 13-12-212, 13-17-205 and 13-17-206, or 13-18-201 through 13-18-206 unless specific written approval by the secretary of state for placing the ballot issues on a separate ballot is received by the official responsible for printing the ballot. The secretary of state may issue such approval only when the number of issues to be voted on at an election makes it ~~impossible~~ impractical to print the entire ballot, including the ballot issues, on the official ballot as prescribed by 13-12-212, 13-17-205 and 13-17-206, or 13-18-201 through 13-18-206."

NEW SECTION. Section 17. Limitation on title of referred legislation. All bills referred by the legislature to a vote of the people shall have a title of no more than 100 words.

Section 18. Section 85-8-624, MCA, is amended to read:

"85-8-624. Assessments on improvements -- taxpayers' approval, limitations, and election procedures. (1) It shall require a vote of the persons on the assessment rolls in any existing district to make Chapter 409, Laws of 1973,

applicable to such districts.

(2) Nothing in Chapter 409, Laws of 1973, confers upon districts created for drainage purposes only the authority to levy assessments on benefits to improvements.

(3) The election provided for by subsection (1) shall be governed by the following rules:

(a) Notice of the election shall be as provided in 85-8-303, except that the form of the ballot shall be as hereinafter provided.

(b) The manner of conducting the election shall be as provided in 85-8-304.

(c) The qualifications of electors shall be as provided in 85-8-305, except that, in addition to persons holding title or evidence of title to lands within the district, any person as therein defined who does not own land within the district but has been assessed or will have his improvements assessed under Chapter 409, Laws of 1973, or who will be assessed for benefits received shall be entitled to one vote. Commissioners shall prepare a list of such persons and give them notice as provided in 85-8-303.

(d) The commissioners of any district in existence prior to March 21, 1973, who wish to hold an election to determine if the district shall be governed by Chapter 409, Laws of 1973, shall at any regular or special meeting adopt a resolution calling for an election to determine whether or

not the voters of said district wish to be governed by Chapter 409, Laws of 1973. The resolution shall contain a short summary of the changes made by Chapter 409, Laws of 1973, and shall include the summary as part of the notice provided for by 85-8-303. In addition, the commission shall provide copies of Chapter 409, Laws of 1973, to any person interested in obtaining a copy of the same and the notice to the persons in the district calling the election shall describe where and how copies may be obtained. The commissioners may authorize a reasonable charge for providing said copies, not to exceed 20 cents per page.

(e) The ballot shall include the summary as provided for in the preceding subsection and the form of the ballot shall conform, as closely as possible, to that set forth in ~~13-27-314~~ Title 13, chapter 27.

(f) A simple majority of those who cast valid ballots shall determine the outcome of the election."

Section 19. Repealer. Sections SECTION 13-27-314 and ~~13-27-407~~, MCA, are IS repealed.

-End-

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HOUSE OF REPRESENTATIVES
JUDICIARY COMMITTEE
March 7th, 1979

The regular meeting of the Judiciary Committee was called to order by Chairman John Scully in room 436 of the Capitol Building at 8:00 a.m. on Wednesday March 7th. All members were present with the exception of Representative Keedy, Holmes and Seifert, all coming in later. Bills scheduled for hearing were Senate Bills 288, 364, 250, 256, 322, 346, 355, 394, 454 and 432.

SENATE BILL NO. 322: Senator Healy. This bill is to protect employers from claims for contribution or indemnity asserted by a third person. He read through the bill, and commented on worthless compensation benefits.

BILL KIRKPATRICK: Champion International. He said that the bill was approved unanimously by the Judiciary Committee in the Senate and on both second and third reading. He submitted written testimony to the committee, copy attached.

TIM REARDON: Division of Workers Compensation. We support the program.

WES BENNETT: Self-Insurers. Mr. Bowles of the Montana Chamber says that small business supports the bill.

SEANTOR HEALY: Many small workers might be put out of business. They would be protected by a bill like this.

There was no discussion and the hearing closed on Senate Bill No. 322.

SENATE BILL NO. 346: Senator Towe. This bill would allow more equal access to the courts by allowing the court to award costs and attorneys fees to people who are successful in a law suit against a governmental entity if the claim is judged to be frivolous or pursued in bad faith. If the state agencies or the political subdivisions, that brought or defended the action, is found by the court to be frivolous or in bad faith then they would be entitled to the costs enumerated. It might be called the equal access to the courts act. He read through the bill, and suggested an amendment on page 4, line 13, following frivolous to insert "or pursued in bad faith". He commented that this would not apply to traffic situations or accidents. He mentioned the reason for the amendment which would be in keeping with the administrative code committee. Discussion about this.

BARRY STEVENSON: National Federation of Independent Business men. 79% of our members favor this bill. He presented a copy of written testimony, copy attached.

REPRESENTATIVE SCULLY: You mentioned an administrative code committee bill, what is the status of that bill. He asked this of Senator Towe.

SENATOR TOWE: That line was amended out in order to be put in this bill.

REPRESENTATIVE KEEDY: Discussion about the bill being limited to small business. On line 6, page 4, can you imagine a situation where both sides could be equally at fault. He went into detail on this. Then followed discussion about legitimate arguments, frivolous lawsuits, and gave an example of losing in one part and winning in another part.

There was no other discussion and the hearing closed on Senate Bill No. 346.

SENATE BILL NO. 256: Senator Lensink. This bill would revise the laws relating to state-wide ballot issues. He went through the bill and explained, misleading titles and statements of implecation. He mentioned one of the initiatives that had been misleading in that if you wanted to vote a certain way you had to vote opposite of what you wanted. This was on a gambling issue in which you were to vote for lower taxes or against lower taxes when actually it was a gambling issue. He went over the judicial review and what the Attorney General would do under this bill. This is one of the few places that might save some money. This would change it so that only each mailing address would get one of the explanations and it would thus save some money.

MIKE McGRATH: Attorney Generals office. Under the present system the petitions have to go to the Secretary of State, and what we propose to do is at the time of the petition the Secretary of State would prepare the statement of implecation. He talked about the initiatives we had last time and that most were self-serving and misleading. We have some amendments. The proposed amendment would require that a person opposing would have to file a petition within 10 days. It would help some of the problems. It says that you cannot turn in a petition more than one year in advance and the reason for that is clear. He gave examples of several issues that had been on the last ballot.

MARGARET DAVIS: League of Women Voters. We support this bill and we also support the provision that makes the voter pamphlet widely available.

LES LOBEL: Montana, Dakota Utilities. I am asking about the 10 day limit. Should it not be a little more flexible. There was discussion about HB 768, Representative Hands bill, and that it would conflict with this bill, and that Mr. Hand said he would withdraw his bill if this one should pass.

Representative Kemmis asked for clarification of the provision as to how the pamphlets would be distributed. Then followed discussion about the new election law.

Representative Eudaily asked Mr. McGrath if subsection 5 on page 14 is exiating law and Mr. McGrath, said, yes, it is existing law.

Representative Kemmis again wanted to have the pamphlet situation clarified, as to how they planned to send the pamphlets. After lengthy discussion about this aspect of the bill the hearing closed on Senate Bill No. 256.

SENATE BILL NO. 432: Senator Hafferman. This bill revises the law relating to attendance of trial juries in district court. He went through the bill and discussed the jury lists, the term of service of jurors, and the orders directing them. He talked about people not wanting to register to vote because they did not want to serve on the jury.

MARGARET DAVIS: League of Women Voters. We have noted this problem also, and we support this bill. It is an especial problem in Great Falls, and she went on to elaborate.

JOHN BELL: Montana Sheriffs and Peace Officers. We support this bill. He went on and talked of the cost of mailing by certified mail.

There was no discussion and no questions and the hearing closed on Senate Bill 432.

SJR NO. 27: Senator S. Brown. This is an alternate for Senate Bill 211. I discussed this with Chief Justice Haswell. It would be ok with the Supreme Court. Senate Bill 211 would have set up a 9 member committee. He elaborated on how the requirements would work, as to the report to the Legislature each year and identification of each complaint received, the date of each complaint, and so on.

J. C. WEINGARTNER: State Bar of Montana. There is a problem with the commission on practice, which we are trying to correct. He continued at some length.

REPRESENTATIVE LORY: I notice that you require a report to the Legislature, and Mr. Brown said that subsection 1 makes it clear. It in no way reveals the identity of the lawyer. Mr. Lory commented that he was concerned with the confidential. Mr. Brown agreed that he was also. With no further discussion the hearing closed on SJR 27.

Conroy, Holmes, Scully, Lory, Seifert and Uhde. Representative Eudaily will carry it on the floor.

SENATE BILL NO. 112: Joanne Woodgerd explained this bill and commented that the subcommittee recommended holding it, until action is taken on Senate Bill 365. There are some amendments that were deleted.

SENATE BILL NO. 132: Mr. Eudaily presented the sub-committee proposed amendments. This bill amends current law and tries to address the problem of getting a recount of 1/4 of 1%. Mr. Eudaily went on to explain the provision for the recount. The unsuccessful candidate would have to post a bond with the clerk and recorder in the amount set by the clerk and recorder sufficient to cover all the costs of the recount, including loss of time of regular employees caused by absence from their regular duties. The county canvassers would then meet and recount the ballots as specified in the petition.

Representative Eudaily moved the adoption of the amendments. The motion carried wi the vote unanimous. Representative Roth moved "be concurred in as amended". The motion carried with the vote unanimous. Representative Eudaily will carry on the floor.

SENATE BILL NO. 225: Representative Keyser presented amendments and moved the adoption. The motion carried with the vote unanimous. Representative Keyser moved "be concurred in as amended". The motion carried with the vote unanimous. Representative Keyser will carry on the floor.

SENATE BILL NO. 256: Joanne Woodgerd explained some problems that might come up with House Bill 747 in the Senate. This bill does most of what that bill would do.

Representative Keyser moved to amend as presented to the committee. He explained the amendments. The motion carried with the vote unanimous. (attached

Representative Kemmis moved to amend, by striking Page 13, lines 18 and 19, to strik and insert new language, (copy attached) and to amend page 14, lines 7 and 8. (copy attached) The motion carried with the vote unanimous.

Representative Rosenthal moved "be concurre in as amended". The motion carried with the vote unanimous.

March 15, 1979

HOUSE OF REPRESENTATIVES

Judiciary Committee amendments to SENATE BILL NO. 256, third reading copy, as follows:

1. Page 2, line 18.
Following: "circulated."
Insert: "The sample petition may not be submitted to the secretary of state more than 1 year prior to the final date for filing the signed petition with the secretary of state."

2. Page 3, line 7.
Strike: "or rejection together with reasons for rejection"

3. Page 3, line 9.
Following: "sheet."
Insert: "The secretary of state shall send written notice if the petition has been rejected together with reasons for rejection within 14 days after submission of the petition sheet."

4. Page 3, line 15.
Following: line 14
Strike: "1 year"
Insert: "9 months"

5. Page 10, line 13.
Following: line 12
Insert: "(2) If the opponents of a ballot measure believe that the statement of purpose or the statements of implication of a vote formulated by the attorney general pursuant to 13-27-312 do not satisfy the requirements of 13-27-312, they may, within 10 days of the date of certification to the governor that the completed petition has been officially filed, file an action in the district court in and for the county of Lewis and Clark challenging the adequacy of the statement and requesting the court to alter the statement."
Renumber: subsequent subsections

6. Page 13, line 18 and 19.
Following: "~~each county~~"
Strike: "each mailing address in the county at which a registered voter resides and"
Insert: "every voter in each county, except that two or more voters with the same mailing address and the same last name may be counted as one voter. The secretary of state shall"

7. Page 14, lines 7 and 8.
Following: line 6
Strike: "mailing address in the county at which a registered voter resides"
Insert: "registered voter in the county, except that two or more voters with the same mailing address and the same last name may be counted as one voter. The mailing shall take place"

SENATE BILL NO. 256

INTRODUCED BY LENSINK

BY REQUEST OF THE SECRETARY OF STATE AND

THE ATTORNEY GENERAL

A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE THE LAWS RELATING TO STATEWIDE BALLOT ISSUES; AMENDING SECTIONS 13-27-201, 13-27-202, 13-27-301, 13-27-303, 13-27-306, 13-27-310, 13-27-312, 13-27-313, 13-27-315, 13-27-401, 13-27-405, 13-27-406, 13-27-410, 13-27-501, 13-27-502, AND 85-8-624, MCA; AND REPEALING ~~SECTIONS~~ SECTION 13-27-314 AND ~~13-27-407~~, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 13-27-201, MCA, is amended to read:

"13-27-201. Form of petition generally. (1) A petition for the initiative, the referendum, or to call a constitutional convention must be substantially in the form provided by this chapter. Clerical or technical errors that do not interfere with the ability to judge the sufficiency of signatures on the petition do not render a petition void.

(2) Petition sheets may not exceed 8 1/2 x 14 inches in size. Separate sheets of a petition may be fastened in sections of not more than 25 sheets. Near the top of each sheet containing signature lines must be printed the title of the statute or constitutional amendment proposed or the measure to be referred or a statement that the petition is for the purpose of calling a constitutional convention. If signature lines are printed on both the front and back of a petition sheet, the information required above must appear on both the front and back of the sheet. The complete text of the measure proposed or referred must be attached to or contained within each signature sheet if sheets are circulated separately. The text of the measure must be in the bill form provided in the most recent issue of the bill drafting manual furnished by the legislative council. If sheets are circulated in sections, the complete text of the measure must be attached to each section."

Section 2. Section 13-27-202, MCA, is amended to read:

"13-27-202. Approval of form required. (1) Before a petition may be circulated for signatures, a sample sheet must be submitted to the secretary of state in the form in which it will be circulated. THE SAMPLE PETITION MAY NOT BE SUBMITTED TO THE SECRETARY OF STATE MORE THAN 1 YEAR PRIOR TO THE FINAL DATE FOR FILING THE SIGNED PETITION WITH THE SECRETARY OF STATE. The secretary of state shall refer a copy of the petition sheet to the attorney general for his approval. The secretary of state and attorney general must each review the sheet petition for sufficiency as to form and approve or reject the form of the petition, stating ~~his~~

REFERENCE BILL

the reasons therefor for rejection, if any. ~~The attorney general shall return the sheet together with his comments within 3 working days after receiving it.~~

(2) The secretary of state shall review the comments and statements of the attorney general received pursuant to 13-27-312 and make a final decision as to the approval or ~~disapproval~~ rejection of the form of the sheet petition. The secretary of state ~~must notify~~ shall send written notice to the person who submitted the petition sheet of the approval ~~or rejection together with reasons for rejection, if applicable,~~ within ~~1 week of receiving~~ 28 days after submission of the petition sheet. THE SECRETARY OF STATE SHALL SEND WRITTEN NOTICE IF THE PETITION HAS BEEN REJECTED TOGETHER WITH REASONS FOR REJECTION WITHIN 14 DAYS AFTER SUBMISSION OF THE PETITION SHEET."

Section 3. Section 13-27-301, MCA, is amended to read:

"13-27-301. Submission of petition sheets. Signed sheets or sections of petitions shall be submitted to the official responsible for registration of electors in the county in which the signatures were obtained no sooner than ~~1 year~~ 9 MONTHS and no later than 2 weeks before the final date for filing the petition with the secretary of state. ~~In no case, however, may a person submit a sheet or section of a petition to the county official so late as to allow less than 1 working day before the final date for filing the~~

~~petition with the secretary of state for every 200 signatures on the sheets or sections of the petition submitted.~~"

Section 4. Section 13-27-303, MCA, is amended to read:

"13-27-303. Verification of signatures by county official. ~~(1)~~ The county official receiving the sheets or sections of a petition shall check the names of all signers to verify they are registered electors of the county. In addition, the official shall randomly select signatures on each sheet or section and compare them with the signatures of the electors as they appear in the registration records of the office. If all the randomly selected signatures appear to be genuine, the number of signatures of registered electors on the sheet or section may be certified to the secretary of state without further comparison of signatures. If any of the randomly selected signatures do not appear to be genuine, all signatures on that sheet or section must be compared with the signatures in the registration records of the office.

~~(2) The county official to whom the sheets or sections of the petition are submitted may not retain a sheet or section for longer than 1 working day for each 200 signatures on the sheet or section. The secretary of state may extend this time if he is convinced the workload involved requires extension.~~"

Section 5. Section 13-27-306, MCA, is amended to read:

"13-27-306. Challenge to signatures by elector of county. A registered elector of a county having reason to believe that signatures on a petition that were not among those actually compared with signatures in the registration records of the county are not genuine may file a sworn statement or affirmation of his belief and request for comparison of those signatures he believes are not genuine with the county official certifying the sheet or section of the petition. If any of the challenged signatures are not genuine, the county official must compare all signatures on that sheet or section and issue an amended certificate to the secretary of state, giving the correct number of valid signatures, on or before the deadline, as provided for in 13-27-104, for filing in the office of the secretary of state."

Section 6. Section 13-27-310, MCA, is amended to read:

"13-27-310. Transmittal of issues referred by the legislature and ballot form forms to the attorney general. (1) The secretary of state shall transmit a copy of ~~a ballot issue proposed by any type of initiative petition or referred to the people by referendum petition and a copy of~~ the form in which ~~the~~ a ballot issue proposed by petition will appear on the ballot to the attorney general on the same day ~~he certifies the official filing of~~ the completed

petition is certified to the governor.

(2) The secretary of state shall transmit a copy of an act referred to the people or a constitutional amendment proposed by the legislature and a copy of the form in which the issue will appear on the ballot to the attorney general no later than 6 months before the election at which the issue will be voted on by the people.

~~(3) If the ballot form is not approved by the attorney general pursuant to 13-27-313, the secretary of state shall immediately submit a new ballot form to the attorney general.~~"

Section 7. Section 13-27-312, MCA, is amended to read:

"13-27-312. ~~Attorney general's statement~~ Review of petition by attorney general -- preparation of statement. ~~Within 10 days after receiving a copy of a ballot issue that will be voted on by the people, the attorney general shall return to the secretary of state a statement not exceeding 100 words in ordinary plain language explaining the general purpose of the issue submitted. The statement by the attorney general shall give a true and impartial statement of the purposes of the issue in plain, easily understood language and in a manner that is not an argument or likely to create prejudice either for or against the issue.~~ (1) Upon receipt of a petition from the office of the secretary of state pursuant to 13-27-202, the attorney general shall

examine the petition as to form. If the petition form is approved, the attorney general shall prepare and transmit to the secretary of state a concise statement not exceeding 100 words. This statement shall express a true and impartial explanation of the purpose of the proposed ballot issue in plain, easily understood language. The statement may not ~~intentionally~~ be an argument and may not ~~intentionally~~ be written so as to create prejudice for or against the measure. The statement prepared pursuant to this subsection, unless altered by a court under [section 10], is the petition title for the measure circulated by the petition and the ballot title if the measure is placed on the ballot.

(2) At the same time the statement of purpose is prepared, the attorney general shall prepare statements of the implication of a vote for or against a ballot issue. The statements of implication may be no more than 25 words each and shall be in simple, impartial language clearly explaining the meaning of a vote for and a vote against the issue. The statements of implication prepared pursuant to this section, unless altered by a court under [section 10], are the statements to be used on the petition and the ballot if the measure is placed on the ballot. The statements of implication shall be placed beside the diagram provided for marking of the ballot in a manner similar to the following example:

☐ FOR extending the right to vote to persons 18 years of age.

☐ AGAINST extending the right to vote to persons 18 years of age.

(3) If the petition is rejected as to form, the attorney general shall forward his comments to the secretary of state within 10 days after receipt of the petition by the attorney general. If the petition is approved as to form, the attorney general shall forward the statement of purpose and the statements of implication to the secretary of state within 21 days after receipt of the petition by the attorney general."

Section 8. Section 13-27-313, MCA, is amended to read:

"13-27-313. Review of ballot form forms by attorney general. ~~At the same time he returns the statement explaining the purposes of the issue, the~~ The attorney general shall examine each ballot form submitted to his office pursuant to 13-27-310 and within 20 days of receipt of the ballot form shall notify the secretary of state of his approval or ~~disapproval~~ rejection of the ballot form for ~~the issue submitted by the secretary. If the ballot form is not approved~~ rejected, ~~the secretary of state shall immediately submit a new ballot form and notice of approval or disapproval must be given by~~ the attorney general shall approve or reject a new ballot form submitted by the

secretary of state pursuant to 13-27-310(3) within 5 days of receiving the new form."

Section 9. Section 13-27-315, MCA, is amended to read:

"13-27-315. ~~Statement-of-vote~~ Statements by attorney general on issues referred by legislature. ~~(1) In the case of an act referred to the people or a constitutional amendment proposed by the legislature, the secretary of state shall prepare a statement setting forth the vote by which the issue passed each house of the legislature. The secretary of state shall file an official copy of his statement with the attorney general's statement on the issue in the official records of his office.~~ At the same time the attorney general, pursuant to 13-27-313, informs the secretary of state of the approval or rejection of a ballot form for an issue proposed by the legislature, the attorney general shall forward to the secretary of state a statement, not exceeding 100 words, expressing a true and impartial explanation of the purpose of the measure in plain, easily understood language. The statement may not ~~intentionally~~ be an argument and may not ~~intentionally~~ be written to create a prejudice for or against the issue. The statement prepared under this section is known as the attorney general's explanatory statement.

~~(2) If statements of the implication of a vote for or against a ballot issue have not been provided by the~~

legislature, the attorney general shall prepare the statements. Requirements for statements of implication for ballot issues referred by the legislature are the same as those provided in 13-27-312 for other ballot issues. Statements of implication prepared by the attorney general must be returned to the secretary of state no later than the time specified for approval of the ballot form."

NEW SECTION. Section 10. Court review of attorney general statements. (1) If the proponents of a ballot measure believe that the statement of purpose or the statements of implication of a vote formulated by the attorney general pursuant to 13-27-312 do not satisfy the requirements of 13-27-312, they may, within 10 days of receipt of the notice from the secretary of state provided for in 13-27-202, file an action in the district court in and for the county of Lewis and Clark challenging the adequacy of the statement and requesting the court to alter the statement.

~~(2) If the opponents of a ballot measure believe that the statement of purpose or the statements of implication of a vote formulated by the attorney general pursuant to 13-27-312 do not satisfy the requirements of 13-27-312, they may, within 10 days of the date of certification to the governor that the completed petition has been officially filed, file an action in the district court in and for the~~

COUNTY OF LEWIS AND CLARK CHALLENGING THE ADEQUACY OF THE STATEMENT AND REQUESTING THE COURT TO ALTER THE STATEMENT.

~~(2)~~(3) (a) Notice shall be served upon the secretary of state and upon the attorney general. The action takes precedence over other cases and matters in the district court. The court shall examine the proposed measure and the challenged statement and shall as soon as possible render a decision and certify to the secretary of state a statement which the court determines will meet the requirements of 13-27-312.

(b) A statement certified by the court shall be placed on the petition for circulation and on the official ballot.

~~(3)~~(4) A copy of the petition in final form must be filed in the office of the secretary of state by the proponents.

~~(4)~~(5) Any party may appeal the order of the district court to the Montana supreme court by filing a notice of appeal within 5 days of the date of the order of the district court.

Section 11. Section 13-27-401, MCA, is amended to read:

"13-27-401. Voter information pamphlet. (1) The secretary of state shall prepare for printing a voter information pamphlet containing the following information for each ballot issue to be voted on at an election, as

applicable:

(a) ballot title and complete text of the issue;

~~(b)--statement-of-the-secretary-of-state~~

~~(c)--statement-of-the-attorney-general~~

~~(d)~~(b) the form in which the issue will appear on the ballot; and

~~(e)~~(c) arguments advocating approval and rejection of the issue~~,-and~~; AND

~~(f)--rebuttal-arguments~~(D) REBUTTAL ARGUMENTS.

(2) THE PAMPHLET SHALL ALSO CONTAIN A NOTICE ADVISING THE RECIPIENT WHERE ADDITIONAL COPIES OF THE PAMPHLET MAY BE OBTAINED.

~~(2)~~(3) Whenever more than one ballot issue is to be voted on at a single election, the secretary of state may publish a single pamphlet for all of the ballot issues. The secretary of state may arrange the information in the order which seems most appropriate, but the information for all issues in the pamphlet shall be presented in the same order."

Section 12. Section 13-27-405, MCA, is amended to read:

"13-27-405. Committee expenses. Each committee is entitled to receive funds for the preparation of arguments and expenses of members not to exceed ~~$150~~ $100 for a three-member committee and ~~$250~~ $200 for a five-member

committee. Itemized claims for actual expenses incurred, approved by a majority of the committee, shall be submitted to the secretary of state for payment from funds appropriated for that purpose."

Section 13. Section 13-27-406, MCA, is amended to read:

"13-27-406. Limitation on length of argument -- time of filing. An argument advocating approval or rejection of a ballot issue is limited to 500 words and shall be filed, in typewritten form, with the secretary of state no later than ~~30--days--following-the-date-by-which-the-appointment-of-the committee-was-required-to-be-filed--with--the--secretary--of state.-In-no-cases,-however,-may-an-argument-be-submitted-for filing--later--than~~ 70 85 days before the election at which the issue will be voted on by the people. A majority of the committee responsible for preparation must approve and sign each argument filed. Separate signed letters of approval of an argument may be filed with the secretary of state by members of a committee if necessary to meet the filing deadline."

Section 14. Section 13-27-410, MCA, is amended to read:

"13-27-410. Printing and distribution of voter information pamphlet. (1) The secretary of state shall arrange with the department of administration by requisition

for the printing and delivery of a voter information pamphlet for all ballot issues to be submitted to the people at least 90 days before the election at which they will be submitted. The requisition shall include a delivery list providing for shipment of the required number of pamphlets to each county and to the secretary of state.

(2) The secretary of state shall estimate the number of copies necessary to furnish one copy to ~~every-voter-in each-county each-mailing--address-in-the-county-at--which--a registered--voter--resides~~--and EVERY VOTER IN EACH COUNTY, EXCEPT THAT TWO OR MORE VOTERS WITH THE SAME MAILING ADDRESS AND THE SAME LAST NAME MAY BE COUNTED AS ONE VOTER. THE SECRETARY OF STATE SHALL provide for an extra supply of the pamphlets ~~in-his-office~~ in determining the number of voter pamphlets to be ordered in the requisition.

(3) The department of administration shall call for bids and contract with the lowest bidder for the printing and delivery of the voter information pamphlet. The contract shall require completion of printing and shipment, as specified on the delivery list, of the voter information pamphlets by not later than 30 days before the election at which the ballot issues will be voted on by the people.

(4) The county official responsible for voter registration in each county shall mail one copy of the voter information pamphlet to each ~~registered-voter-of-the-county~~

~~mailing-address-in-the-county-at-which-a-registered-voter resides~~ REGISTERED VOTER IN THE COUNTY, EXCEPT THAT TWO OR MORE VOTERS WITH THE SAME MAILING ADDRESS AND THE SAME LAST NAME MAY BE COUNTED AS ONE VOTER. THE MAILING SHALL TAKE PLACE no later than 2 weeks after the pamphlets are received from the printer.

(5) Ten copies of the voter information pamphlet shall be available at each precinct for use by any voter wishing to read the explanatory information and complete text before voting on the ballot issues."

Section 15. Section 13-27-501, MCA, is amended to read:

"13-27-501. Secretary of state to certify ballot form. The secretary of state shall furnish to the official of each county responsible for preparation and printing of the ballots, at the same time as he certifies the names of the persons who are candidates for offices to be filled at the election, a certified copy of the form in which each ballot issue to be voted on by the people at that election is to appear on the ballot. Unless otherwise provided in the legislative act or petition placing the issue on the ballot, the secretary of state shall list for each issue the number, the method of placement on the ballot, the title, the attorney general's explanatory statement, if applicable, and the statements of the implication of a vote for or against

the issue that are to be placed beside the diagram for marking the ballot. The secretary of state shall use for each ballot issue the title of the legislative act, or legislative constitutional proposal, or ~~ballot-issue proposed-by-any-type-of-initiative-petition-unless-that title-exceeds-100-words~~ the title provided by the attorney general or district court. ~~A-title-of-100-words-or-less-for the-ballot-shall-be-provided-by-the-legislature-or-the organization-circulating-the-petition-if-the-official-title exceeds-100-words.~~ Following the number of the ballot issue, the secretary of state shall include one of the following statements to identify why the issue has been placed on the ballot:

(1) an act referred by the legislature;

(2) an amendment to the constitution proposed by the legislature;

(3) an act of the legislature referred by referendum petition; or

(4) a law or constitutional amendment proposed by initiative petition."

Section 16. Section 13-27-502, MCA, is amended to read:

"13-27-502. Preparation of ballots by county officials. Each of the county officials responsible for the preparation and printing of the ballots shall print the

ballot issues on the official ballot in the form and order in which the issues have been certified by the secretary of state. All ballot issues shall be placed on the official ballot prescribed by 13-12-212, 13-17-205 and 13-17-206, or 13-18-201 through 13-18-206 unless specific written approval by the secretary of state for placing the ballot issues on a separate ballot is received by the official responsible for printing the ballot. The secretary of state may issue such approval only when the number of issues to be voted on at an election makes it ~~impossible~~ impractical to print the entire ballot, including the ballot issues, on the official ballot as prescribed by 13-12-212, 13-17-205 and 13-17-206, or 13-18-201 through 13-18-206."

NEW SECTION. Section 17. Limitation on title of referred legislation. All bills referred by the legislature to a vote of the people shall have a title of no more than 100 words.

Section 18. Section 85-8-624, MCA, is amended to read:

"85-8-624. Assessments on improvements -- taxpayers' approval, limitations, and election procedures. (1) It shall require a vote of the persons on the assessment rolls in any existing district to make Chapter 409, Laws of 1973, applicable to such districts.

(2) Nothing in Chapter 409, Laws of 1973, confers upon districts created for drainage purposes only the authority

to levy assessments on benefits to improvements.

(3) The election provided for by subsection (1) shall be governed by the following rules:

(a) Notice of the election shall be as provided in 85-8-303, except that the form of the ballot shall be as hereinafter provided.

(b) The manner of conducting the election shall be as provided in 85-8-304.

(c) The qualifications of electors shall be as provided in 85-8-305, except that, in addition to persons holding title or evidence of title to lands within the district, any person as therein defined who does not own land within the district but has been assessed or will have his improvements assessed under Chapter 409, Laws of 1973, or who will be assessed for benefits received shall be entitled to one vote. Commissioners shall prepare a list of such persons and give them notice as provided in 85-8-303.

(d) The commissioners of any district in existence prior to March 21, 1973, who wish to hold an election to determine if the district shall be governed by Chapter 409, Laws of 1973, shall at any regular or special meeting adopt a resolution calling for an election to determine whether or not the voters of said district wish to be governed by Chapter 409, Laws of 1973. The resolution shall contain a short summary of the changes made by Chapter 409, Laws of

1973, and shall include the summary as part of the notice provided for by 85-8-303. In addition, the commission shall provide copies of Chapter 409, Laws of 1973, to any person interested in obtaining a copy of the same and the notice to the persons in the district calling the election shall describe where and how copies may be obtained. The commissioners may authorize a reasonable charge for providing said copies, not to exceed 20 cents per page.

(e) The ballot shall include the summary as provided for in the preceding subsection and the form of the ballot shall conform, as closely as possible, to that set forth in ~~13-27-314~~ Title 13, chapter 27.

(f) A simple majority of those who cast valid ballots shall determine the outcome of the election."

Section 19. Repealer. Sections SECTION 13-27-314 and ~~13-27-407~~, MCA, are IS repealed.

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